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ABSTRACT

This report, one in a series about the priorities of the professoriate, presents a narrative summary of information received from 280 higher education institutions that responded to an American Association for Higher Education survey on tenure policies, practices, and trends. Provosts were asked to indicate whether their campuses had considered or implemented modifications to traditional tenure practices, including changing duration of probationary periods, waiving "up or out" provisions, imposing or lifting tenure quotas, using long-term nontenure track appointments, tying tenure to specified base salary, offering inducements to forego or relinquish tenure, redefining criteria for terminating tenured faculty due to financial exigency, redefining the locus of tenure, and instituting post-tenure reviews. Highlights of the survey responses include the following: 31 percent of the institutions reported no changes in traditional tenure policies; 29 percent reported post-tenure review processes; 24 percent reported long-term nontenure-track appointments; 16 percent reported stop-the-tenure-clock provisions; 15 percent reported no tenure system, but instead used contract systems; small percentages of institutions indicated changes to probationary periods, tenure quotas, modified or early-retirement packages, performance-based removal of tenured faculty, inducements for faculty to forego tenure, or changed tenure criteria. A copy of the letter requesting the survey information is appended. (CH)

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Tenure Snapshot

By Cathy A. Trower
Research Associate,
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INQUIRY #2

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NEW PATHWAYS: FACULTY CAREERS AND EMPLOYMENT FOR THE 21ST CENTURY
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About the author

Cathy Trower is completing her doctoral dissertation at the University of Maryland in higher education policy, planning, and administration. She worked in higher education for thirteen years in both faculty and administrative positions. Formerly senior director, Graduate Business Programs, at Johns Hopkins University, Ms. Trower has consulted with colleges on tenure policies and with corporations on high-performance teams, organizational culture and change, and strategic planning. She is a research associate on AAHE's New Pathways project.

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About This Report

This report is one product of an ongoing study of faculty employment arrangements, funded by the Pew Charitable Trusts, undertaken by the University of Maryland in collaboration with AAHE's project New Pathways: Faculty Careers and Employment for the 21st Century. This particular report provides a snapshot of the tenure landscape as of early 1996.

In November 1995 the American Association for Higher Education (AAHE), in a "Dear Colleague" memorandum to some 1,200 four-year college and university provosts (see page 17), solicited materials in an effort to build an archive of information on current tenure policies, practices, and trends. Specifically, provosts were asked to indicate whether their campus had considered or implemented any modifications to traditional tenure practices. The memo identified the following alternatives: changing the duration of probationary periods, introducing "stop-the-tenure-clock" provisions during the probationary period, waiving the "up or out" provision, imposing or lifting tenure quotas, using long-term nontenure-track appointments, tying tenure to a specified base salary, offering faculty inducements to forego or relinquish tenure, redefining the criteria to terminate tenured faculty due to "financial exigency" or "program discontinuation," redefining the locus of tenure, and instituting post-tenure review processes.

This report presents a narrative summary of the information received from the 280[1] institutions that responded to the AAHE request. It is not an exhaustive compendium of all institutions that have modified traditional tenure systems. The principal intent here is to convey a sense of changes afoot as reported by campus administrators. This is a factual rather than editorial report. The data are presented without judgment, endorsement, or opposition. Any specific policies highlighted here are intended as illustrations and not necessarily as model practices.

An inventory of all information received to date -- which includes (1) institution, (2) name, address, and telephone number of a contact person, and (3) a policy precis -- is planned; contact AAHE or Cathy Trower for more information.

If you would like your institution's tenure policy to be included in any future inventory, please send the relevant documents to:

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[1] Some institutions requested that their policy information be kept confidential; therefore, their responses are not included in the narrative but are reflected in the statistical analysis.

Highlights of the Survey Responses[2]

- Thirty-one (31) percent of the 280 respondent institutions report no changes to traditional tenure policies.
- Twenty-nine (29) percent report post-tenure review processes.
- Twenty-four (24) percent have long-term (more than one year) nontenure-track appointments.
- Sixteen (16) percent report "stop-the-tenure-clock" provisions.
- Fifteen (15) percent report no tenure system; these institutions have contract systems instead.
- Five (5) percent report changes to the probationary period.
- Five (5) percent report having imposed a tenure quota.
- Three (3) percent report that tenure is "under review" but provided no specific details.
- Three (3) percent report modified or new early-retirement packages.
- Three (3) percent report changes in policies for performance-based reasons to remove tenured faculty.
- Three (3) percent report inducements for faculty to forego tenure.
- Three (3) percent report modifications to financial exigency policies or related layoff procedures.
- Two (2) percent changed the tenure criteria.

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[2] These data reflect policies currently in place, in the process of being implemented, **and** under consideration. Table I distinguishes between the number of institutions where policies are "in place/under way" versus "under consideration."

Tenure Snapshot

by Cathy A. Trower

It is no secret that the value and future of academic tenure is (again) under discussion by faculty, administrators, trustees, and state legislators across the country. In some state systems, the conversation concerns abolishing tenure. Where elimination of tenure is not considered a viable option, less drastic modifications to traditional tenure systems have been enacted or are under active consideration.

No Change to Traditional Tenure

Because it is often as important to know what is *not* happening as to know what *is* happening, we note at the outset that 87 (31%) of the respondents reported that no changes to traditional tenure policies are under consideration at the present time (see Table I on the next page). While conventional tenure systems appear to be secure on such campuses, changes certainly are afoot elsewhere across the United States.

Post-Tenure Review

The most common modification to traditional tenure has been the implementation of post-tenure review procedures. Survey results revealed that post-tenure review has been mandated by legislatures or governing boards in some states, or has been strongly encouraged by boards of trustees at many institutions. Thus, the motivating spirit behind post-tenure review has been "let's do unto ourselves before someone does unto us." Fully 23 percent of the institutions reported that post-tenure review processes are in place, and another 6 percent have such a policy under consideration.

The average post-tenure review cycle is five years, ranging from as often as every two years to as infrequently as every ten years. The majority of policies state that post-tenure reviews occur automatically at a set time. Others are triggered by specific events such as two consecutive annual evaluations of unsatisfactory performance, or failure to receive a merit increase two years in a row. In another variation, the review occurs at the request of the faculty member.

TABLE I			
Policy	Total Number of Mentions[3]	Percentage	Subset "Under Consideration"
No changes to traditional tenure under way	87	31%	N.A.
Post-tenure review processes	80	29%	16
Long-term nontenure-track appointments	68	24%	12
"Stop-the-tenure-clock" provisions	44	16%	2
No tenure system	41	15%	0
Changes to the probationary period[4] Increased length Increased flexibility Made more restrictive Minor revision -- not specific	14 (8) (4) (1) (1)	5%	4 (3) (1)
Tenure quota imposed	13	5%	0
Tenure "under review" (no specific action yet)	9	3%	N.A.
Changes in early-retirement package	9	3%	0
Changes in policy for performance-based reasons to remove tenured faculty	8	3%	5
Inducements to forego tenure	8	3%	3
Modified financial exigency policies or related layoff procedures	8	3%	0
Changed tenure criteria	5	2%	0

Most of the post-tenure review policies are similar. The main points of differentiation are whether or not negative consequences result from an unsatisfactory evaluation, and how clearly those consequences are detailed. On many campuses, post-tenure review was described by the respondents as "rather toothless," "lacking substance," and "cursory at best." Some institutions have formal and elaborate procedures for performance review, but no procedures to respond to instances of poor evaluation. Others make scanty reference to post-tenure review; in these cases, there is no reference to how the review will take place, who will conduct it, or its possible outcomes or consequences.

[3] The "Total Number of Mentions" includes institutions where the policy is currently "in place/under way" and institutions where the policy is "under consideration." The numbers in this column do not sum to 280 because some institutions cited more than one policy.

[4] These changes to the probationary period reflect those other than "stop-the-tenure-clock" provisions.

A few institutions acknowledged that they do not actually perform post-tenure reviews, despite a provision in their policy manual to do so. One associate provost commented, "We have been less than assiduous in enforcing the post-tenure review every five years, or in insisting that such reviews be substantive." He said, "We are trying valiantly to put some teeth into these institutional policies (adopted, after all, by the faculty) and to insure that such post-tenure reviews are not *pro forma* but are comprehensive and meaningful."

In the event of an unsatisfactory evaluation, the sanctions range from "a note to the personnel file" to the removal of tenure and/or termination of employment. All of the policies that enable termination specified that the faculty member would receive detailed information on areas for improvement, that the college would assist with faculty development, and that there would be a remedial period for the faculty member (usually two years, although sometimes only one) to demonstrate good faith effort and noticeable improvement.

Some policies tie post-tenure review to merit pay and professional development plans. At Virginia Polytechnic Institute & State University, a proposal currently in the final stages of discussion on campus would apply post-tenure reviews selectively to faculty whose performance has been clearly unsatisfactory. VPI&SU "has always had a rigorous annual merit review process." Among the sanctions the institution may impose on tenured faculty members who perform unsatisfactorily are a reduction in pay, reassignment of duties, withholding of merit increases, suspension without pay, or termination. The policy in place at the University of California-Davis gives department chairs a variety of options to respond to unsatisfactory performance by tenured faculty. These include the reduction of space and facilities, the denial of a sabbatical leave, a change of title/position, a discussion of career options, and/or a discussion of early retirement.

The University of Wisconsin policy, which was mandated by the Board of Regents for the entire system, notes the need for periodic post-tenure review even where a merit pay system exists. According to the *Tenured Faculty Review and Development Guidelines amended and adopted by the Board of Regents May 8, 1992*, "While the current merit system works well in many instances, it has its limitations because the current system focuses on a relatively short time frame given the nature of academic work and often has as its primary purpose salary considerations." Periodic post-tenure review, according to the guidelines, allows faculty: (1) to adjust their professional priorities throughout their careers, (2) to take responsibility for their own development, and (3) to receive recognition for work on departmental, college, and institutional goals.

The University of Arizona has a performance-based compensation system. In addition to annual reviews, faculty members undergo periodic assessment, which could result in salary adjustments. In the event of an "unsatisfactory" review, no salary increment is awarded; an "acceptable" review brings no salary increment except a cost-of-living adjustment; a rating of "good" conveys a salary increment; and an "excellent" rating means a larger raise. Those faculty rated as "acceptable" may not appeal and must develop a plan for improvement and undergo review against the plan one year later. An "unsatisfactory" review may be accepted or appealed. If accepted or if upheld on appeal, a three-year program for improvement must be developed and the faculty member reviewed annually. Should he or she not attain a level of "acceptable" performance by the end of three years, dismissal procedures are initiated.

St. Francis College in New York has developed a post-tenure review process, "Faculty Evaluation and Enrichment Program," currently under review by the Board of Trustees. This program would offer faculty members two options: one of mentor teams in combination with development workshops and classroom observations, and another involving student evaluation data, classroom observation, and a review of teaching effectiveness by a committee.

Long-Term Nontenure-Track Appointments

The second most prevalent change to traditional tenure is the creation of long-term nontenure-track appointments. "Long-term" means renewable for more than one year. Twenty-four (24) percent of the 280 respondent institutions have or are about to implement such policies. These appointments, which appear in a variety of forms, supplement not replace traditional tenure. There are a variety of long-term nontenure-track employment arrangements, including renewable or nonrenewable term appointments (also called multi-year contracts), rolling contracts, and continuing contracts. Several institutions with nontenure-track positions have placed an upper limit on the percentage of faculty who may be so designated; typically, this percentage is around 10 to 15 percent of the total number of full-time equivalent (FTE) faculty.

Much of the action has been at medical schools, where 96 percent of the schools have tenure systems.[5] Four U.S. medical schools have no tenure system: Morehouse, Boston University, Mayo Clinic, and Wright State University. Several other institutions limit tenure to basic science faculty,

[5] R.F. Jones and S.C. Sanderson, "Tenure Policies in U.S. and Canadian Medical Schools," Academic Medicine 69, no. 9 (1994): 773.

including Tufts University, University of Missouri-Kansas City, Northeastern Ohio University, and Brown. According to Jones and Sanderson, the nontenure-eligible clinical tracks "vary in emphasis and nomenclature, e.g., educator-clinician, clinician-educator, clinical scholar, clinical emphasis, but they share one characteristic: a de-emphasis on traditional research requirements in promotion decisions" (p. 773).

The University of Nebraska Medical Center appoints all new faculty to a Health Professions Appointment (HPA), which removes the time requirements and the "up-or-out" provisions of a standard probationary period. "The goals were to create an uncomplicated faculty appointment system that would reward all classes of faculty for academic work, reduce stress on new faculty, and improve the recruiting of faculty, particularly clinicians and allied health professionals."[6] HPAs are contracts for up to five years, renewable indefinitely, and "tenure leading" in that faculty may apply for tenure at any time but need not do so to remain employed. A failed candidacy for tenure does not trigger termination; the faculty member may apply again at a later date.

Many institutions, beyond medical schools, use long-term nontenure-track appointments. The University of Pittsburgh has tenure-stream and nontenure-stream faculty positions. Nontenure-stream faculty have various titles including visiting, research, adjunct, clinical, or field professor and serve on renewable contracts of one to five years.

At VPI&SU, nontenure-track instructors serve on multi-year contracts, are eligible for merit increases, and are treated like their tenure-track and tenured counterparts. Nontenure-track faculty at Springfield College have "all the rights and privileges of tenured faculty with the exception of tenure." Nontenure-track faculty members are appointed initially for two years. The first reappointment is for three years, subsequent reappointments are for three or five years, and then five-year rolling contracts are issued. There are periodic reviews for all faculty members.

Northland College uses a combination of tenure, term, and rolling contract positions. Term appointments are clearly designated for a limited period and are normally issued to faculty members in the "affiliate, emeritus, pro-rata, visiting, and in-residence categories." Rolling contracts are typically awarded to "persons whose on-going research or teaching contributions are of value to the institution, but for whom a tenure-track position is not available, or who does not have the terminal degree in his/her field." These faculty receive an initial one-year contract, followed by a two-to-three-year

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[6] R.S. Wigton and R.S. Waldman, "An Innovative Faculty Appointment System at the University of Nebraska," Academic Medicine 68, no. 3 (1993): 190.

contract contingent upon satisfactory performance. "At the end of that period renewable contracts up to five years may be issued. After the first five-year contract has been issued, other five-year contracts may be awarded as early as the third year on an existing contract."[7]

King's College has "academic appointments" with two-year rolling contracts and renewable appointments, which are temporary appointments that can be renewed annually for up to six years. At Golden Gate University, faculty are initially appointed to a one-year probationary contract, followed by a two-year term contract, followed by a three-year contract. At that point, faculty members may stand for tenure or accept rolling contracts that vary in length by rank (assistant professors, three years; associate professors, four; and professors, five). A decision to accept a rolling contract means that the faculty member has decided to forego candidacy for tenure.

"Stop-the-Tenure-Clock" Provisions

Sixteen (16) percent of the institutions in this study have "stop-the-tenure-clock" provisions, which, in effect, allow probationary faculty to stop the tenure clock for a period of time and still remain on the tenure track. The most frequently cited reason to stop the clock is pregnancy or family leave. Other reasons included personal trauma or illness; pursuit/completion of a doctorate; care for a parent, child, or spouse; research leave (without pay); unusual personal, academic, or administrative responsibilities; extraordinary events beyond the faculty member's control that affect professional performance; major life events; or unusually heavy service obligations. Typically, tenure clocks may be stopped for one year, with a maximum of two years.

Changes to Probationary Periods

Extensions

While stopping the tenure clock was the most commonly reported modification of the probationary period, several institutions have lengthened it. The Weatherhead School of Management at Case Western Reserve University extended the probationary period from six years to nine years, because the shorter term did not "provide sufficient time in which to develop as a faculty member while building a record of accomplishment that merits an award of tenure, [given] rising standards for faculty performance, the lengthening of journals' review and publication cycles, and the increased emphasis

[7] This is a temporary policy, in effect for 1995-96, while discussions are held.

being placed upon teaching and curricular innovation."[8] Furthermore, a survey conducted by Case Western disclosed that eleven of the top forty business schools have a pretenure period longer than seven years.[9]

Other respondents that reported lengthened probationary periods for pretenure faculty included Michigan State University, the University of Portland, and the University of Pennsylvania Medical Center. Spring Arbor College, the University of North Alabama, and Villanova University are currently considering it.

A study conducted by the Association of American Medical Colleges disclosed that twenty-two medical schools in the United States have probationary periods in excess of seven years. Of these institutions, three offer a longer probationary period to clinical faculty than to basic science faculty.

Flexibility

Several institutions increased the flexibility of probationary periods for tenure-track faculty. At the University of Pittsburgh, tenure-stream faculty may transfer out of the tenure stream for up to three years, go on contracts, and then transfer back into the tenure stream. This may be done only when "exceptional circumstances prevail. Exceptional circumstances that prevent normal progress in the tenure stream must be beyond the control of the individual." The purpose here is to allow faculty, in essence, to stop the tenure clock for reasons unrelated to family or illness, such as "expanded teaching, administrative, or clinical duties to meet explicitly defined department, school, or University needs; or an individual's scholarly activity that clearly requires time to judge its outcome."[10] Mary Washington College, Texas Christian University, the University of Hartford, and the University of Missouri, Columbia (in process) changed probationary policies in order to allow faculty to apply prior experience at a different institution. This could lead to a shorter probationary period at the faculty member's new institution.

Campuses Without Tenure Systems

Fifteen (15) percent of the institutions in our study reported having no tenure system. Some

[8] Memorandum dated September 27, 1995, from Scott S. Cowen, dean.

[9] Those eleven are Carnegie Mellon, Columbia University, Harvard, M.I.T. (Sloan), Stanford, Thunderbird, University of California L.A. (Anderson), University of Chicago, University of Michigan, Washington University, and Yale.

[10] University of Pittsburgh *Faculty Handbook* (September 1995), p. 19.

institutions started without tenure (Hampshire College, MidAmerica Nazarene College, The Evergreen State College, The Julliard School, The Naropa Institute). One reorganized under financial exigency: Westminster College of Salt Lake City, formerly Westminster College. Still others placed a moratorium on tenure, grandfathered tenured faculty members, and instituted some system of contracts. Boston University School of Medicine, Columbia Union College, Deaconess College of Nursing, the Cleveland Institutes of Art and Music, and the Massachusetts College of Pharmacy and Allied Health Services provide renewable annual appointments.

The Naropa Institute, which provides senior faculty with multi-year contracts, is considering offering all "core" faculty multiple-year contracts tied to rank. The University of West Los Angeles is "evolving to" longer-term contracts. Elsewhere, there are systems that look almost identical to tenure, such as Clarkson College's "no tenure but due process." At Clarkson College, after a probationary period of three 1-year contracts, faculty cannot be dismissed without due process and only if there is "just cause." The Master's College offers "employment continuity" to faculty with seven or more years of service to the institution. Faculty at Wingate College, after a seventh annual contract, acquire a rightful expectation of annual contracts until retirement, contingent upon positive reviews every six years.

The other institutions without tenure systems use either a series of multiple-year fixed-term contracts (usually of increasing length) or rolling contracts. Hardin-Simmons University has four different types of contracts tied to rank, including (1) five-year rolling contracts with reviews every five years for Distinguished Professors, (2) five-year appointments with reviews in the fifth year for senior faculty, (3) two-year appointments with reviews for junior faculty, and (4) one-year renewable contracts for entry-level faculty.

Hampshire College offers faculty an initial three-year appointment, followed by a reappointment for four years, and then ten-year contracts. There are periodic and extensive reviews. Shawnee State University offers annual contracts and continuing contracts. "Continuing contracts are defined as a continuing term of employment (not requiring annual or biannual renewal) with yearly salary adjustments. They are subject to termination for just cause, retirement, or resignation, and may be suspended for retrenchment."[11] Faculty may apply for continuing contracts after six years, but denial does not mean termination; it is not an "up-or-out" system, and faculty are not required to apply for continuing contracts.

[11] Shawnee State University, Contract Agreement, April 1, 1994, to March 32, 1997, p. 40.

Two institutions with term contracts might introduce tenure systems. The Board of Trustees of Azusa Pacific University placed a moratorium on tenure in 1982 and instituted a series of term contracts (three 1-year contracts, followed by two 3-year contracts, followed by 5-year contracts). The Evergreen State College has never had tenure but is now considering it. In the past, Evergreen has offered faculty members 1-year contracts followed by two 3-year contracts, followed by 8-year contracts, with an elaborate system of evaluation based on teaching portfolios. The Evergreen system has come to look so much like tenure that some faculty believe this "reality" should be reflected in the institution's official policies. Evergreen president Jane Jervis writes: "The challenge for Evergreen, then, is to devise a faculty personnel system that (1) preserves the commitment, vitality, and security of our long-term faculty, (2) recognizes the contributions of the short-term faculty and compensates them fairly, (3) acknowledges that our faculty are not really interchangeable in staffing the curriculum, and (4) realistically allows us to respond to financial exigency."[12]

Respondents at campuses without tenure report that academic freedom can be safeguarded through policy, statute, and litigation rather than through traditional tenure. Furthermore, recruitment and retention of qualified faculty have not been problems for such institutions in recent years, partially because of favorable job market conditions, and partially because these are niche institutions with a special appeal for some faculty. Most institutions without tenure systems use peer evaluation and teaching portfolios to monitor faculty performance. While some faculty resign or are "counseled out" prior to contract renewal decisions, the vast majority are renewed time and again. There is very little faculty turnover.

Caps on Tenure/Tenure Quotas

Five (5) percent of the institutions reported having tenure quotas, or caps on the percentage of tenured faculty. Some specify a range and others state a specific percentage: Juniata College (40-60% range), Elon College (50-67% range, with discussion of increasing the upper end to 75%), Chowan College (65%), Rhodes College (67%), Hollins College (70%), Ithaca College and Southern Oregon State (75%).

Hartwick College imposed a guideline of 75 percent by department, but also allows "extraordinary tenure" where a tenure decision would put a department over 75 percent.

[12] Jane L. Jervis, "The Ideal Academy," AGB Trusteeship, January-February 1995, p. 25.

"Extraordinary tenure" means that the candidate is, in essence, held to a higher standard.

Colby-Sawyer College has a 50 percent tenure quota and a 75 percent tenure-plus-rolling-contract quota. The college has a third appointment possibility -- annual contracts that eliminate the "up-or-out" provision for qualified faculty.

The University of Portland lifted its tenure quota after twenty years, "during which time faculty approved for tenure by the usual processes but for whom no opening was available were given special status: approved for tenure but not tenured." When the quota was lifted, those on special status were granted tenure by the president.

Colleges That Replaced Traditional Tenure Systems

Thirteen respondents (see Table II opposite) reported replacing tenure systems.

The dean of the Boston University School of Medicine describes the overall approach there as "very flexible." At Curry College, John Hill, a longtime professor there, described the contract system in an article in *The Educational Record*. He wrote that the rolling contract system has five major strengths: (1) it protects academic freedom, (2) it provides job security, (3) it motivates faculty, (4) it provides faculty with established promotion criteria, and (5) it brings some financial benefits to the administration (there is not the lifetime commitment of tenure; however, the system has "yet to affect the bottom line"). The shortcomings, according to Hill, are (1) the theoretical flexibility has never been actualized, (2) peer evaluations are "sanitized for fear of retribution," and (3) faculty express concern about overemphasis on student course evaluations, "the validity of which they question." On balance, Hill writes, "Curry College's rolling contract system is not a perfected alternative to tenure, but it has been relatively successful, thus far, in providing both job security and academic freedom."[13]

Faculty at the Monterey Institute of International Studies "voted out the tenure system in 1983 and replaced it with a series of fixed contracts," and this system is working well. New England College officially eliminated tenure in 1986 but still retains the option to reward tenure to "exceptional" individuals. Tamar March, vice president for academic affairs and dean of the faculty, writes that "the long-term contract has some good features. Chief among them is the opportunity to evaluate faculty at reasonable intervals. Consequently, where teaching is foregrounded as the object of institutional

[13] John E. Hill, "On a Roll: Term Contracts at Curry College," The Educational Record, Fall 1985, p. 56.

TABLE II		
Institution	Year Tenure Abolished	What Replaced Tenure
Azusa Pacific University	1982	multi-year contracts
Boston University, School of Medicine	1970	annual renewable appointments
College of the Ozarks	1993	multi-year contracts
Concordia University	1979	contracts
Curry College	1974	contracts
Dartmouth Medical School[14]	1979	program for extended guarantee of compensation
Madonna University	1979	multi-year contracts
Monterey Institute of International Studies	1983	fixed-term contracts
New England College	1986	multi-year contracts
Philadelphia College of Bible	not reported	rolling contracts
Salem-Teikyo (WV)	1991	rolling contracts
Shenandoah University	1973	rolling contracts
Westminster College of Salt Lake City	1983	multi-year contracts

scrutiny, as is our case, it enjoys assiduous attention from the faculty."[15]

Wesley R. Willis, senior vice president and dean of undergraduate studies at Philadelphia College of Bible, states, "When I arrived at PCB about five years ago, I was somewhat uncomfortable with the 'no-tenure' position, but also uneasy with standard tenure practices. I began working on an alternative that would provide a level of comfort for faculty, and yet still avoid the potential excesses of tenure. What we ultimately devised, had approved by the Board, and have been implementing for three years now, is a rolling contract system. We are pleased with how the system is operating."[16]

Vice president for academic affairs and provost of Salem-Teikyo, Wayne H. England says,

[14] "Tenure was granted to senior faculty at Dartmouth Medical School for many years. However, since 1979, tenure at the Medical School has been awarded only to departmental chairs, to persons holding endowed professorships, and to the Dean. As a consequence of this policy, originally instituted for financial reasons, we now have a substantial number of senior faculty who do not have tenure, but who would be eligible by criteria that were used in the past." Dartmouth plans to reinstate a tenure system for full professors.

[15] Personal correspondence, letter, January 19, 1996.

[16] Personal correspondence, letter, November 30, 1995.

"Salem-Teikyo took a fairly daring move in 1991 by eliminating tenure and instituting a multi-year contract system for all faculty hired as of that date."[17] He reports that performance reviews are held at the midpoint of the contract period, and that each contract includes an agreement between the institution and the faculty member as to the teaching load, a professional growth plan, and service to the academic and nonacademic community. Grandfathered tenured faculty are reviewed once every six years, primarily for continued professional development and to provide financial rewards where appropriate.

The Board of Trustees at Shenandoah University decided to provide faculty members with three-year rolling contracts instead of tenure. Of this system, vice president for academic affairs Joel R. Stegall writes that "Shenandoah faculty express far less anxiety over job security than did faculty at either of those institutions [with traditional tenure systems where I worked]. I think the reasons are (1) there is no experience here of faculty being released without due process, and certainly not arbitrarily or capriciously; (2) after the hiring process, we never put faculty members in the position of having to prove their worth or lose their jobs; we have no up-or-out policy, which is typically the case with tenure systems."[18]

Stephen R. Baar, academic vice president and dean of the faculty of Westminster College of Salt Lake City, reported that Westminster College "eliminated tenure under a financial exigency-reorganization-close-as-Westminster and reopen-as-Westminster College of Salt Lake City model. We got sued by faculty, warned by the Northwest Regional Accrediting Association, censured by the AAUP, but survived, have since flourished, and are referred to as one of those 'dramatic turnaround' colleges."[19] In an unpublished paper called "A World Without Tenure," Baar discusses why the first system of rolling contracts did not really work because a "system of rolling short-term tenure had evolved," and why the college's present system of multiple-year contracts and peer review does work. Baar writes, in contrast to large universities, "at small colleges, every action related to faculty recruiting, selection, promotion, and especially retention is critical to every other faculty member's future. To recommend a five-year contract for a colleague whose teaching skills are ploddingly adequate, who is perceived by colleagues as an acceptably average scholar, or whose advising of students and service to

[17] Personal correspondence, letter, November 28, 1995.

[18] Personal correspondence, letter, February 20, 1996.

[19] Personal correspondence, letter, December 13, 1995.

the college community are less than energetic or meritorious is to participate in the creation of an environment where students will not be served well and where other faculty will have to pick up the slack. In a world without tenure, faculty in small colleges can be entrusted to review tough-mindedly their colleague's performances and to make honest recommendations on their retention. Without tenure, these weighty personnel matters belong primarily to the faculty, who must assume continuing responsibility for their colleague's performance -- a responsibility that faculty in worlds with tenure have only once and even then for the wrong reasons."

Finally, the Dartmouth Medical School, which offered tenure at one time and then discontinued the practice, now plans to reinstate tenure for full professors. Their alternate system will remain in place for faculty at other ranks. The selective return to tenure was prompted by the need to "recruit and retain outstanding faculty" in an "intensely competitive marketplace where the vast majority of medical schools award tenure to senior faculty."[20]

Colleges That Reinstated Tenure

In the mid-1980s Aquinas College switched from contracts to tenure. Gary Konow, academic vice president, noted that in the late 1970s and early 1980s the Board of Trustees determined that there should be two tracks for faculty depending upon the stability of particular disciplines or majors. Therefore, Aquinas offered three-year rolling contracts to some faculty and tenure and tenure-track positions to others. The problem was that, psychologically, faculty on contracts felt like "second-class citizens"; they felt "disenfranchised," which was not good for morale or the college. In the mid-1980s, the faculty successfully pressed to discontinue the contract track. Instead of dismissing faculty when program fluctuations occur, Aquinas now reassigns faculty to teach integrated core courses. The college offers "substantial faculty development" activities to engage faculty and help them with the transition.

Olivet College had tenure more than twenty years ago and is in the process of reinstating a tenure system, and St. Mary's College in Maryland also switched from offering contracts to offering tenure. We have not yet had the opportunity to pursue with their campus officials the rationales for these changes.

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[20] *Plan for Faculty Tenure at Dartmouth Medical School*, February 1996. Document distributed at AAMC conference "Tenure, Compensation, and Career Pathways: Reexamining the Faculty Employment Relationship in Academic Medicine" held in McLean, Virginia, February 4-5, 1996.

Inducements to Forego Tenure

Several institutions have implemented policies to make forsaking tenure an attractive option for faculty. At Webster University, most faculty begin their careers in a seven-year probationary status similar to that at other institutions. Toward the end of this period, faculty may choose a tenure track, or a nontenure track referred to locally as FDL, an acronym "faculty development leave." If granted FDL status, faculty undergo performance review every five years. FDL faculty may choose to take (1) a one-semester leave at half salary or a summer leave in the fourth year, (2) a one-semester leave at full salary or a one-year leave at half salary in the fifth year, or (3) a one-semester leave at full salary plus a summer leave at full salary in the sixth year. On the other hand, a tenured faculty member at Webster is eligible for a one-year sabbatical at half salary or a half-year sabbatical at full salary in the seventh year. The opportunity for more frequent leaves has made the nontenure-track option at Webster the choice of the vast majority of faculty there.

Greensboro College also offers faculty an inducement to forego tenure by offering faculty on continuing contracts a salary supplement equivalent to 10 percent of the average salary for the faculty member's rank in a given year, plus a summer stipend typically of another 10 percent. Faculty at Greensboro College receive three 1-year appointments. During the third year, faculty holding a terminal degree undergo a comprehensive evaluation and are (1) appointed to a tenure-track position, (2) appointed to a continuing contract position, or (3) are issued a terminal contract. The continuing contract position allows Greensboro, with its tenure cap of 65 percent, to retain excellent faculty for whom there may not be an open tenure position. According to Daniel N. Keck, vice president for academic affairs, these employment options have the following results: (1) The tenure system is retained, and the college can control the number of tenure and tenure-track positions without having to deny tenure to faculty whom they wish to retain. (2) Continuing contracts provide an attractive option that is helpful in attracting and retaining capable faculty members at a reasonable cost to the institution. (3) The college may terminate a continuing contract for any reason upon payment of a year's severance pay, which provides a high degree of institutional flexibility with no potential legal exposure and no significantly increased financial obligation.[21]

The University of Nebraska (all campuses) has twice used a "tenure buy out" program to induce faculty to relinquish tenure. Many faculty nearing retirement "sold" their tenure for a specifically

[21] Daniel N. Keck, "Tenure and Continuing Status: A Commentary," undated.

defined financial consideration paid out over three years. According to William O. Berndt, vice chancellor for academic affairs, "the three-year pay out allowed the institution to retain sufficient funds to hire younger faculty." While the majority of faculty who chose to sell their tenure were older and opted to retire, one younger woman took advantage of the opportunity and is now employed there on contracts.

A few institutions (e.g., Colby-Sawyer College, Salem College, and The University of the South) reported that they are considering offering inducements to faculty to forego tenure. The University of the South is contemplating a construction of tenure as a contract bearing "equal responsibilities." The tenure contract there would include standards for productivity, continued professional improvement, and a certain date for retirement. A possible choice for the faculty member would be the tenure contract as described or a nontenure contract with higher benefits and no required retirement date.

Changes in Definition of Performance-Based Reasons to Remove Tenured Faculty

Three respondents have revised policies that govern performance-based reasons to remove tenured faculty. At Colby-Sawyer College, the 1995-96 *Faculty Handbook* was revised to stipulate that: "Faculty on all contracts [annual, rolling, and tenure] are subject to Dismissal for Ineffective Teaching, as well as Dismissal for Cause. However, before faculty can be dismissed for ineffective teaching, they will be given an opportunity to improve rather than being dismissed immediately, as is the case for Dismissal for Cause. The procedures and duties of the responsible parties involved in review for dismissal have been clarified and detailed and the role of Department Chairs in both summative and formative evaluation are appropriately strengthened."[22]

Ithaca College has revised policies concerning the possible termination of tenured faculty to move from a standard on "incompetence" to "serious instructional difficulties." If the annual evaluation of a tenured faculty member "manifests the existence of serious instructional deficiencies which are deemed likely to persist, the dean of the faculty member's school must consult with the faculty member." If the dean agrees that deficiencies exist, a schoolwide peer review evaluation process is initiated. This committee then prepares a description of areas for improvement, the faculty member

[22] "Strengthening Institutional Flexibility, as Well as Faculty Development and Evaluation in a Small Independent College: Answers to Key Questions," prepared for the Board of Trustees by the Faculty Tenure Proposal Committee, Colby-Sawyer College, October 11, 1995.

is informed of instructional improvement programs available to him or her, and the faculty member prepares a plan specifying how he or she intends to address the issues of concern. The person is re-reviewed after one semester, with various possible outcomes. If reasonable progress has been made, there is a recommendation to allow more time to reach an acceptable level of performance. If it is determined that no reasonable progress has been made to correct the deficiencies, the faculty member may be dismissed.

At Calvin College, senior vice president and provost Gordon L. Van Harn wrote that "there have been some mild challenges to tenure by the Board of Trustees. However, once they observed that some tenured faculty members did leave the college in response to implementing the 'Procedures for Dealing With Allegations for Unacceptable Performance of a Tenured Faculty Member' the challenges all but disappeared. The review of faculty members also contributed to gaining the confidence of the Board of Trustees that there is a system of accountability for tenured faculty members."[23]

Indiana University Purdue University Indianapolis (IUPUI) is currently reviewing its policies on the dismissal of tenured faculty, as are Eastern Nazarene College, Hartwick College, and Spring Arbor College. Michigan State University revised policy statements in 1993 to "provide a clearer statement of the causes for dismissal."

CONCLUSION

As mentioned at the outset, the purpose of this paper is to provide of snapshot of tenure at a moment in time, to make available as quickly as possible a report "from the front." (We plan to provide more detailed descriptions and policy papers later in the course of this New Pathways project.) At the moment, the mood seems to be to modify traditional tenure systems at their margins, rather than to uproot, dismantle, or replace tenure with contract-based employment practices. The catchphrase seems to be "mend, don't end." ■

[23] Personal correspondence, letter, November 30, 1995.

AAHE's "Dear Colleague" Memo

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November 10, 1995

Dear Colleague:

The issue of academic tenure is now under discussion on campuses, in board rooms, and in state legislatures. But no one is quite sure which insitutions are contemplating or enacting what kind of changes in tenure policies and practices. In an effort to dispel myths and develop baseline information that can be shared with all interested parties, we would very much appreciate your cooperation in letting us know if tenure is under reexamination on your own campus.

This request is not a formal survey, but a "call" to participate in building an archive that will benefit us all. If you are on a campus where tenure is under examination, we would greatly appreciate two things: first, a brief letter stating what is taking place; second, materials (background papers, proceedings of board meetings, retreats, and conferences, committee memoranda and reports, policy proposals, official policy revisions, etc.) that have been generated in the course of this reexamination.

We will draw on these materials to produce -- **and send free of charge to all contributors** -- an annotated master list of tenure reexaminations that are underway and of materials and studies that are publicly available. If you prefer that some or all of the materials you send us be used only for our own analysis without attribution, just let us know and we will not include your materials on our list of materials available upon request.

A word about which changes in tenure policies and practices we are interested in. We are **not** seeking materials that depict the many efforts over the past few years to strengthen the criteria for teaching in the tenure review process -- a large and familiar topic in itself. We **are** very interested in efforts to modify traditional tenure practices in other ways, including: changing the duration of probationary periods; introducing "stop-the-clock" provisions during the probationary period; waiving the "up or out" provision; imposing or lifting tenure quotas; using **long-term** non-tenure track appointments; tying tenure to a specified base salary; offering faculty inducements to forego or relinquish tenure; redefining the criteria to terminate tenured faculty due to "financial exigency" or "program discontinuation"; redefining the locus of tenure (for example, within a department, college, or state system). We are also interested in receiving policy statements and descriptions of practices aimed at instituting **post-tenure review**; we are developing a special inquiry in this area. Please include these materials (if any) in what you send.

We are undertaking this work as part of a new project -- "New Pathways: Faculty Careers and Employment for the 21st Century." The part of this project concerned with employment options is being conducted by Dr. Richard Chait and financed by the Pew Charitable Trusts. Please send your letter and other materials directly to him at the following address: Dr. Richard Chait, Professor of Higher Education, 3112 Benjamin Building, University of Maryland, College Park, MD 20742; Phone: 301-405-5582; Fax: 301-314-9506; Email: rc15@umail.umd.edu. Dr. Chait will be doing a first round of analysis on all materials received by December 8. It would be very helpful if he could have your letter and materials by that date.

Contributors to this inventory will also be automatically added to AAHE's general mailing list for the New Pathways Project. If you have general questions about the project, please contact Pamela Bender at the following address: Pamela Bender, Program Coordinator, AAHE Forum on Faculty Roles & Rewards, One Dupont Circle, Suite 360, Washington, DC 20036-1110; Phone: 202-293-6440, x56; Fax: 202-293-0073; Email: aaheffrr@aahe.org.

Thanks for your help in this important endeavor.

Sincerely,

Russell Edgerton
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Tenure Snapshot

by **Cathy A. Trower**, research associate, Center for Higher Education Governance and Leadership, University of Maryland

Outlines current areas of concern, ongoing initiatives, and national trends related to academic tenure. Based on a November 1995 AAHE survey distributed to 1,200 four-year college and university provosts, with the intention of building an archive of information on current tenure policies, practices, and trends. (#FRO2WP, 32PP, MARCH 1996)

Campuses Without Tenure

by **Richard Chait**, professor, Harvard Graduate School of Education

Presents the experiences of campuses without tenure and campuses where faculty may choose tenure or contracts. Issues covered include academic freedom, faculty recruitment, selectivity, turnover, and reward structures. Answers the question, "What lessons can be learned from campuses with contracts systems?" (#FRO3WP, APPROX 30PP, SPRING 1996)

New Yardsticks for Financial Distress

by **Kent Chabotar**, vice president, business and finance, Bowdoin College; and **James Honan**, lecturer, Harvard Graduate School of Education.

Offers suggestions for new criteria and yardsticks to gauge a college's financial condition, and identifies means to equitably balance employment security for faculty with programmatic flexibility for institutions.

(#FRO4WP, APPROX 30PP, SUMMER 1996)

Uncoupling Academic Freedom and Academic Tenure

by **Peter Byrne**, professor, Georgetown University Law Center

Conceptualizes one or more procedures where academic freedom could be uncoupled from academic tenure -- where some other means are offered to ensure the professoriate the unfettered opportunity to teach and conduct research -- and explores the tradeoffs involved in doing so. (#FRO5WP, APPROX 30PP, SUMMER 1996)

Academe's Dual Labor Market

by **Judith M. Gappa**, vice president for human relations, Purdue University; and **David W. Leslie**, professor of education, Florida State University

Describes the dual labor market in academe, based on the authors' book *The Invisible Faculty*, data from the 1993 NCES Survey, and other sources. Focuses on the effect of the dual labor market on tenured and tenure-track faculty, part-time and temporary faculty, and institutions. Explores possible changes that would transform the dual labor market into a more flexible and integrated employment system. (#FRO6WP, APPROX 30PP, SUMMER 1996)

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Reports on structured interviews conducted with new faculty and graduate students who will be the professoriate of the future. Considers what changes need to be made in the faculty career to make it more enticing, self-renewing, and resilient for the individual and to provide greater flexibility for institutions. (#FRO7WP, approx 48pp, Summer 1996)

Balancing Personal and Professional Lives

by **Judith M. Gappa**, vice president for human relations, Purdue University

Examines the conflicts faculty face as they try to balance personal and professional lives throughout their careers; considers actions universities and colleges can take to help. Includes an overview of institutional leadership initiatives, policies, strategies, programs, and practices aimed at reducing the stress these conflicts cause and enhancing the performance and satisfaction of faculty. (#FRO8WP, approx 30pp, Fall 1996)

Innovative Modifications of Traditional Tenure Systems

by **Richard Chait**, professor, Harvard Graduate School of Education

Examines policy changes within the confines of traditional tenure systems such as extended probationary periods, stop-the-clock provisions, and alterations to conventional policies governing the criteria for promotion and tenure. (#FRO9WP, approx 30pp, Fall 1996)

New Employment Alternatives: Full-Time Nontenure-Track Appointments

by **Judith M. Gappa**, vice president for human relations, Purdue University

Explores nontraditional, full-time faculty appointments that are being used as alternatives to traditional tenure-track faculty careers, and the academic and other reasons underlying their increasing use. (#FR10WP, approx 30pp, Fall 1996)

Senior Faculty Career Transitions: A Developmental & Policy Issue

by **Ann Ferren**, associate professor of education, American University

Examines what influences senior faculty in making decisions about the timing of retirement. Focuses on the interaction between individual development and planning and institutional policies and planning. (#FR11WP, approx 30pp, Fall 1996)

Post-Tenure Review: Policies, Practices, and Precautions

by **Christine M. Licata**, associate dean for academic affairs, Rochester Institute of Technology

Reviews current institutional policies and practices aimed at periodically evaluating tenured faculty. Topics examined include: campus goals for post-tenure review; specific evaluation criteria/procedures; implementation considerations and resource implications. Discusses the opportunities and difficulties associated with the initiation of such reviews, and how institutions handle measurement of outcomes and effectiveness. (#FR12WP, approx 30pp, Winter 1996)

Practices in Other Professions

by **Richard Chait**, professor, Harvard Graduate School of Education, and **Cathy A. Trower**, research associate, Center for Higher Education Governance and Leadership

Explores employment arrangements in other professions such as law, medicine, and management and in think-tanks, to ascertain whether policies and practices in these settings have applicability and hold promise for higher education. (#FR13WP, approx 30pp, Winter 1996)

Voluntary Incentives to Forego Tenure

by **David Breneman**, professor and dean of education, University of Virginia

Helps answer the question, "What, if anything, would induce individual faculty to renounce tenure?" Develops approaches that could be used to understand the financial value that faculty assign to tenure and the relative appeal of various inducements to forego tenure. (#FR14WP, approx 30pp, Winter 1996)

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